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10/530,144

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Bart Provoost

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EXAMINER

WONG, JOSEPH D

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,144

Applicant(s)

PROVOOST, BART

Examiner

Joseph D. Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20,23,24,27-29,31-33 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20,23,24,27-29,31-33 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Claims 17-20, 23, 24, 27-29, 31-33 are amended. Claims 21-22 and 30 are cancelled. Claims 36-39 are new.

Response to Arguments

Applicant's arguments filed 21 June 2007 have been fully considered but they are not fully persuasive due to a combination of insufficient evidence and/or moot arguments.

Nonstatutory rejections under 35 USC 101 are withdrawn for claims 17-20, 23, 24, 27-29, 31-33.

Note the new ground of rejection under 35 USC 101 of claim 38 is necessitated by new claims because the claim introduces a category that is not necessarily a system or apparatus, product or manufacture, composition of matter, method or process. Mere arrangements of web pages are not statutory because they are arrangements of information or possibly printed publications.

Arguments with respect to prior art rejections of claims 17-35 are incorrect due to an unfavorable fact pattern and usability limitations not commensurate with the claim. Specifically, the arguments against the prior art rejection of claim 17 cite a distinction between an administrator and a user. The fact pattern is unfavorable to the argument because the administrator is a specific user with more privileges and thus the user is anticipated. The knowledge or skill level of the user is not considered a patentable distinction because it is not commensurate with claim 17 which does not mention the

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knowledge or skill requirement of the user. The claims do not assert minimal or least privilege of the user and thus cannot distinguish over administrator.

On the first page of the Instant Argument, it alleges that “Epixtec (sic) does not teach or suggest the requested web page includes the address of the associated content data record.” This argument is incorrect because the reference shows a hypertext link which includes a content address. Alternatively, the continued screen shot on page 1-13 explicitly shows a card catalog number of “Call # 822 SHA” which provides a location address for finding Shakespeare’s book within the Somerset County Library.

On the second page of the Instant Argument, it alleges that “claim 17 is not anticipated by Epitech(sic) in view of the earlier argument”. This argument is not persuasive because the earlier argument cited remains not persuasive.

New claims are merely alleged to be patentable. This argument is not convincing due to insufficient evidence.

All claims pending claims are rejected and claim 28 is objected to.

Claim Objections

Claim 28 has been amended to depend upon a forward claim number 37. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim. A claim which depends from a dependent claim should **not** be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. See MPEP § 608.01(n). This objection is necessitated by amendment.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 38 is rejected for being directed towards nonstatutory subject matter.

The claim is directed to an **arrangement** (emphasis added) for setting up and updating a portal for a user to access web pages in a data network. An arrangement is not one of the four statutory categories. An arrangement could be reasonably construed to be a compilation of content or derived from software building blocks which can lead to a finding of software per se because the name of elements such as “web server”, “proxy server” or “portal server” also appear to be inclusive of software-only implementations as reasonable doubt is raised after these terms read in light of the drawings (submitted 31 March 2005) which merely show square boxes and specification which recites them in context with software-like terms such as “arrows between the individual components symbolize challenge and response messages that are interchanged between the components” in paragraph [31] thereby permitting the abstraction of the components to be software whose messages are merely symbolic as well as abstract. This finding appears to be consistent with IEEE Standard Terms dictionary (7th Ed.) and Microsoft Computer Dictionary (5th Ed) can be interpreted to be software.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 17-20, 23, 24, 27-29, 31-33, 36-39 are rejected under 35 U.S.C. 102(a) as being anticipated by Epixtech, “iPAC System Administrator’s Guide”, 9 Jan 2002, Version 2.0, Epixtech.

Regarding claim 17, Epixtech teaches a method for setting up and updating a portal page for receiving an address (interpreted to include “Call # 822 SHA”, P. 1-13, Fig. item 10 or “Call 250 COMP”, P. 1-12, bottom left of Fig.; note that a library call # is also an address within the library useful for patrons and librarians to locate said book within a library) of a content data record (interpreted to include “A player’s handbook of short scenes”, P. 1-13, item #10, Fig), the content data record associated with a web page requested to be accessed by a user (see P. 1-12 and 1-13, Figures), and the requested web page includes the address of the associated content data record in a non-displayable area of the web (interpreted to include “Request item”, P. 1-13, Fig. see item 10), accessing the content data record via the received address; storing data fields of the accessed content data record; receiving a user data record having features which describe a sought content for determining the web page; comparing the stored data fields with the received user data record to determine a degree of match (see “Limit by” and “Sort by” options P. 1-12, Fig. upper right); and dynamically generating a portal page including a displayable

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link (interpreted to include “hypertext link”,) to the web page in response to the degree of match at least meeting a previously defined threshold (interpreted to include “user-defined limit”, P. 1-12, [2]; “ANY WORD(S)”, P. 1-12, top left of figure): and sending the dynamically generated portable page to a computer of a user in order to be displayed. (interpreted to include “Add to my list”, P. 1-13, Fig.)

Regarding claim 18, Epixtech teaches the method as claimed, wherein the web page is checked cyclically for accessibility, and the link for the web page is excluded from the dynamically generated portal page in response to the page not being accessible. (P. 2-3; P. 1-12, [1-2]; P. 3-37)

Regarding claim 19, Epixtech teaches the method as claimed, wherein the comparison is repeated at intervals of time, and wherein the result of the repeated comparison is used to generate the portal page. (P. 2-3, Fig. right most caption, P. 3-96)

Regarding claim 20, Epixtech teaches the method as claimed, wherein the user data record is updated, wherein after the update the comparison is performed again, and the portal page re-generated. (P. 3-7, Fig., P. 4-62; P. 3-45, #2)

Regarding claim 23, Epixtech teaches the method as claimed, wherein the content data record and the user data record are each a structured document, and wherein the content data record comprises the address of its associated web page. (P. 1-17, last 5 lines, P. 1-18, Fig)

Regarding claim 24, Epixtech teaches the method as claimed, wherein the content data record and the user data record are created in XML format, and wherein the structure of the content data record and of the user data record is respectively stipulated in a description data record. (P. 4-126, table last row, #2, first bullet, P. 3-93, [1-2])

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Regarding claim 25, Epixtech teaches the method as claimed, wherein the same respective structure is used for the content data records and for the user data record. (P. 1-11, interpreted to include “Search”; “My Account”, P. 1-15; P. 1-18)

Regarding claim 26, Epixtech teaches the method as claimed, wherein the same respective structure is used for the content data records and for the user data record. (P. 1-12, bottom Fig.)

Regarding claim 27, Epixtech teaches the method as claimed, wherein a most selected web page is displayed at a prioritized or prominent position on the user portal page. (P. 3-103, Row3, Col. 2); P. 1-12, Fig. interpreted to include “Search”)

Regarding claim 28, Epixtech teaches the method as claimed, wherein the selected web page whose associated content data record has the best match with the user data record is displayed at a prioritized or prominent position on the user interface. (P. 4-57, top table, Row 5, Col. 1; see “1879 Browsing results matching Shakespeare”, P. 1-12)

Regarding claim 29, Epixtech teaches the method as claimed, wherein the web pages and the content data records are stored on at least one web server, and wherein the content data records are retrieved using data record addresses which are respectively associated therewith. (interpreted to include “123.123.123.123”, P. 1-6; P. 1-7 bullet #6), interpreted to include “visit their site on the Web at ...<http://codi.sbu.edu>”))

Regarding claim 31, Epixtech teaches the method as claimed, wherein a proxy server is used in the data network, wherein the proxy server reads in the web pages whose associated addresses are transmitted to it, and wherein the proxy server buffers the web pages which have been read in and sends them to the user. (P. 3-23, Col. 2, Row 4), P. 4-71, #1, table, Row 3, Col. 1)

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Regarding claim 32, Epixtech teaches the method as claimed, wherein the address of the associated web page is transmitted to the proxy server when accessing the link, and wherein the proxy server loads this web page and sends it to the user. (P. 3-23, Col. 2, Row 4, P. 3-7)

Regarding claim 33, Epixtech teaches the method as claimed, wherein transmitting the web page to the proxy server involves the data record address of the content data record associated with this information page likewise being transmitted to the proxy server, wherein the proxy server transmits this data record address to the portal server, and wherein the portal server retrieves the content data record associated with the data record address and stores the data fields for the comparison. (P. 3-23, Col. 2 Row 4; P. 1-7, bullet#4)

Regarding claim 36, Epixtech teaches the method as claimed, wherein a plurality of content addresses are received, each content address associated with a web page requested to be access by the user, a plurality of content data records are accessed, and a data fields to a plurality of content data records are stored. (P. 1-12, 1-13; interpreted to be met by each record shown)

Regarding claim 37, Epixtech teaches the method as claimed, wherein a plurality of web pages are selected by the user and a plurality of displayable links associated with the selected web pages are displayed on the portal page. (P. 1-12, 1-13; interpreted to be met by each record shown in the figure)

Regarding claim 38, Epixtech teaches an arrangement for setting up and updating a portal for a user to access web pages in a data network, comprising: a web server (interpreted to include "iPac provides your library users with a World Wide Web-based

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interface for searching your library catalog system”, P. 1-3, paragraph 1) comprising: a web page having an address of an associated content data record (interpreted to include “Call 250 COMP”, P. 1-12, bottom left of Fig), and the associated content data record that describes a content on the respective web page (interpreted to include “Companion to Shakespeare’s Hamlet”, P. 1-12, item #3, Fig); a proxy server communicatively coupled to the web server and to a user computer, the proxy server having a storage area for storing a copy of the web page (P. 2-9, interpreted to include “Administration Tool...generates reports for all the iPac Libraries”); a portal server that manages a dynamically generated portal page and communicatively coupled to the web server and to the proxy server, the proxy server comprising: a database that stores data fields of the associated content data record, a comparison unit that compares the data fields with a user content data record from the user computer, wherein the proxy server receives a request for the web page by the user computer and determines if the web page is stored in the proxy server, (interpreted to be an optional conditional limitation not required to meet the claim) in response to the page not being stored, the proxy server retrieves the web page from the web server and subsequently stores the web page, wherein the proxy server sends the address of the associated content data record to portal server in response to retrieving the web page, wherein the portal server retrieves the associated content data record from the web server and stores the data fields of the retrieved record in the database, wherein the portal server receives the user data record from the user computer and the comparison unit compares the user data record with the data fields in the database, wherein in the portal page is dynamically generated to include a displayable link to the web page when the comparison result at least meets a previously defined

minimum. (P. 3-23, Col. 2, Row 4), P. 4-71, #1, table, Row 3, Col. 1; also "Z39.50 connection", P. 4-71, item #5)

Regarding claim 39, Epixtech teaches a method for setting up and updating a portal page for a user to access web pages in a data network, wherein receiving a user data record having features which describe a sought content for determining a web page, wherein the web page includes an address of an associated content data record, and wherein the associated content record includes features describing a content on the respective web page; comparing the data fields of the content data record with the received user data record to determine a degree of match; dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold; and sending the dynamically generated portal page to a computer of a user in order to be displayed. (P. 1-12, Fig.) (P. 3-23, Col. 2, Row 4), P. 4-71, #1, table, Row 3, Col. 1; also "Z39.50 connection", P. 4-71, item #5; more notes cited in claim 17 supra)

Conclusion

Applicant's amendment necessitated the amended citations and/or new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If applicant still believes there is patentable subject matter within the disclosure and has reasons why those differences define over the prior art, then applicant can look to MPEP § 324 IV (August 2006) and 37 CFR 1.114 for additional suggestions that may be helpful for overcoming the finality of this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is 571-270-1015. The examiner can normally be reached on Mon.-Thur. 8:30AM - 6:00PM and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph D. Wong
TTV/jdw



5 August 2007

Tim T. Vo
SPE, Art Unit 2168



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